

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

NEIL ZLOZOWER and BARRY LEVINE,

Plaintiffs,

v.

MOTLEY CRUE, INC., MOTLEY CRUE
TOURING, INC., LIVE NATION
WORLDWIDE, INC., LIVE NATION
CONCERTS, INC., LIVE NATION
ENTERTAINMENT, INC., LIVE NATION
MERCHANDISE, INC., GLOBAL
MERCHANDISING SERVICES INC.,
GLOBAL MERCHANDISING SERVICES
LTD., HOT TOPIC, INC., INFINITY 1 INC.,
SPENCER GIFTS LLC, ROCK.COM, INC.,
JET.COM, INC., SEARS HOLDINGS
CORPORATION, AMAZON.COM, INC., TSC
APPAREL, LLC, FRUIT OF THE LOOM,
INC., GILDAN APPAREL USA INC., PEACE
TEXTILE AMERICA, INC., FANTASY
ACTIVEWEAR, INC., DELTA APPAREL,
INC., and SCORPIO POSTERS, INC.,

Defendants.

MÖTLEY CRÜE, INC.,

Counterclaimant,

v.

NEIL ZLOZOWER and BARRY LEVINE,

Counterdefendants.

Civil Action No. 1:16-cv-06950-LTS-SDA

**DEFENDANTS LIVE NATION
ENTERTAINMENT, INC., LIVE
NATION CONCERTS, INC. AND LIVE
NATION MERCHANDISE, INC.'S
NOTICE OF MOTION AND MOTION
FOR SUMMARY JUDGMENT**

ORAL ARGUMENT REQUESTED

Ctrm.:	12D
Action Filed:	September 6, 2016
Trial Date:	None Set

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT Defendants Live Nation Entertainment, Inc., Live Nation Concerts, Inc. and Live Nation Merchandise, Inc. (the “Live Nation Moving Defendants”), pursuant to Rule 56 of the Federal Rules of Civil Procedure, hereby move the United States District Court, Southern District of New York, for summary judgment of no liability on Plaintiffs’ First Cause of Action asserted in their Complaint.

The basis for the Motion is that there is no evidence to support a judgment of liability for copyright infringement against the Live Nation Moving Defendants. Accordingly, the Live Nation Moving Defendants seek entry of judgment of no liability and dismissal of Plaintiffs’ First Cause of Action.

The Live Nation Moving Defendants bring this Motion after meeting and conferring with Plaintiffs as required by the Individual Rules of Practice of the Honorable Laura Taylor Swain. The Live Nation Moving Defendants have used their best efforts to resolve informally the matter raised in the Motion.

The Motion is based on this Notice of Motion, the attached Memorandum of Law, Separate Statement of Undisputed Material Facts and Declarations of Richard Patti and David W. Schechter and exhibits attached thereto, the pleadings and records on file in this action, and on such evidence and oral argument presented at any hearings permitted by the Court.

[Signature on Next Page.]

Dated: Los Angeles, California
January 26, 2018

Respectfully Submitted,

MILLER BARONDESS, LLP

By: /s/ David W. Schecter

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Attorneys for Defendants

***MÖTLEY CRÜE, INC.; MÖTLEY CRÜE
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INC.; LIVE NATION CONCERTS, INC.; LIVE
NATION ENTERTAINMENT, INC.; LIVE
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TOPIC, INC.; INFINITY 1 INC.; SPENCER GIFTS
LLC; ROCK.COM, INC.; SEARS HOLDINGS
CORPORATION; SCORPIO POSTERS, INC.***

and Counterclaimant MÖTLEY CRÜE, INC.